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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/613,146 | 07/03/2003 | Joel Ovil | 62692.00002 | 6858 |

30256 7590 06/11/2007
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| EXAMINER |
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SPOONER, LAMONT M

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| ART UNIT | PAPER NUMBER |
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2626

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| MAIL DATE | DELIVERY MODE |
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06/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/613,146 | Applicant(s) OVIL ET AL. | |
| | Examiner Lamont M. Spooner | Art Unit 2626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 39-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 39-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/14/07 has been entered.

Response to Arguments

2. Applicant's arguments filed 3/14/07 have been fully considered but they are not persuasive.

In response to applicant's arguments regarding "various lexical impact values (happy, sorrow, anger) and ...reading level" as being different from applicant's claimed "style", page 7, **the Examiner cannot concur, wherein the Examiner fails to differentiate between the various styles Volcani teaches and applicant's claimed style.** Wherein style is defined as, "manner or tone adopted in discourse or conversation" written or otherwise, wherein Volcani explicitly states, para. [0102] "Further,

the author seeks a more positive tone to the writing..." which directly reflects style. Furthermore the amended claimed subject matter renders the claim confusing and unclear, see the rejection below (despite applicant's argued Dictionary reference, wherein the Examiner notes a distinct difference between the referenced definition and claimed limitation). For purposes of expediting prosecution, the Examiner has interpreted, "receiving text that expresses a thought" as any text. The Examiner is currently unable to determine a text that doesn't result from a thought, directly or indirectly, wherein the previous rejection still stands, as related to the amended claims, until further appropriate clarification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-27, and 39-53 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

More specifically, the Examiner is unable to locate anywhere in the disclosure, the teaching of how "text expresses a thought", as claimed in claims 1, 14, 27 and 39.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-27, and 39-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 14, 27 and 39, the Examiner fails to recognize how text can express a thought. More specifically, text can result from an expressed thought; however, the Examiner cannot determine how the text, itself, has the ability to express thought, thus rendering the claim, unclear, confusing, and indefinite.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 1-10, and 14-23, 27, 40, and 43-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Volcani et al.(Volcani, US 2003/0212655).

As per claims 1, 14, and 27, Volcani teaches a method for language enhancement, comprising: receiving text that expresses a thought (p.5 para. 0059); identifying grammatical constructs within the text (p.8.para.0090-inherent to determining noun, verb, replacements or grouping); and enhancing the received text by suggesting at least one alternate text portion from a user-selected style profile for at least one original portion of the text (Fig. 6-advantages, benefits, qualities), the alternate text portion changing the form of the expression of the thought without changing the content of the thought and being consistent with the

grammatical constructs of the original portion, thereby making the received text consistent with a characteristic of the user-selected style profile (p.8.para.0090-noun/verb, etc. correspondence, Fig. 11-item 140-his alternate text portions, as grammatically consistent, and changing the form without changing...,and reading levels, Fig. 6-his ranking spectrum as the different impression/user selected style profile).

As per claim 2 and 15, Volcani further teaches the method of claim 1 wherein the alternate text portion, when substituted for the original portion generates grammatically correct text (p.8.para.0096, Fig. 11-"Which is why the hate crimes Bill earns careful thought like all laws do..."-as grammatically correct).

As per claim 3 and 16, Volcani further teaches the method of claim 1 wherein the alternate text portion includes at least one adjective for a noun from the original portion (Fig. 9, spotless, for "clean as a whistle").

As per claim 4 and 17, Volcani further teaches the method of claim 1 wherein the alternate text portion includes at least one synonym for an idiom from the original portion (Fig. 9, spotless, for "clean as a whistle").

As per claim 5 and 18, Volcani further teaches the method of claim 1 wherein the alternate text portion includes at least one idiom for the original portion (Fig. 5 “clean as a whistle” for “spotless”, p.9.para 0100).

As per claim 6 and 19, Volcani further teaches the method of claim 1 wherein the alternate text portion includes at least one adverb for a verb from the original portion (Fig. 8, “Frequently” for “Once in a blue moon”).

As per claim 7 and 20, Volcani further teaches the method of claim 1 wherein the original portion of text is a single word (Fig. 1, consideration/thought, p.10.para.0116).

As per claim 8 and 21, Volcani further teaches the method of claim 1 wherein the original portion of text is a clause (Fig. 8, “clean as a whistle”, Fig. 9).

As per claim 9 and 22, Volcani further teaches the method of claim 1 wherein the original portion of text is an idiom (ibid).

As per claim 10 and 23, Volcani further teaches the method of claim 1 wherein the alternate text portion is compliant with a selected style (Fig. 9, his reading level as the style).

As per claim 39, Volcani teaches 39 a web service comprising (p.5.para.0067): receiving a request including one or more sentences of

natural language text that expresses a thought(Fig. 2); deriving at least one suggestion for enhancing the one or more sentences from a user-selected style profile, the at least one suggestion changing the form of the expression of the thought without changing the content of the thought, thereby making the text consistent with a characteristic of the user-selected style profile (see claim 1); and returning a response including the at least one suggestion (Fig. 2, see claim 1, Fig. 6).

As per claim 40, Volcani teaches the web service of claim 39 wherein the at least one suggestion is encoded using a first parameter to designate a word position within a sentence, a second parameter to designated an action, a third parameter to designate a priority, and a fourth parameter to designate at least one word (Fig. 6, encoding inherent to replacing the correct word in the correct location, the action "replace", "merit" as his designated word, ranking level as priority, p.2.para.0013).

As pr claim 43, Volcani further teaches the web service of claim 40 wherein the fourth parameter is a reference to at least one word residing within a dictionary of words (see claim 1, Fig. 2 item 234).

As per claim 44, Volcani further teaches the web service of claim 43 wherein the dictionary of words resides in a dictionary serve computer (ibid).

As per claim 45, Volcani further teaches the web service of claim 39 wherein the at least one suggestion is ranked according to a usage frequency (p.2.para 0013).

As per claim 46, Volcani further teaches the web service of claim 39 wherein possible suggestions include replacement of a key word within a sentence with an idiom (Fig. 8, "spotless" and "clean as a whistle", see claim 5).

As per claim 47, Volcani further teaches the web service of claim 46 wherein the idiom has a similar meaning as the key word (ibid, synonyms).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 11-13, 24-26, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volcani.

11. As per claims 11-13, and 24-26, Volcani teaches claim 10, but lacks explicitly teaching the selected style is legal, scientific, and medical.

However, the Examiner notes (currently as admitted prior art, see previous rejection) that different styles of documents were well known in the art at the time of the invention. Therefore it would have been obvious, at the time of the invention, to one ordinarily skilled in the art to modify Volcani's style with a style catering to the users document, providing the benefit of catering to the users style of word usage.

As per claim 41 Volcani further teaches the web service of claim 40, and further teaches possible action of replace, but lacks wherein possible actions include, delete, insert, before and insert after. However the Examiner notes (now as admitted prior art, see previous rejection) that deletion, insert after, insert before were well known in the art at the time of the invention (word processing, document editing). Therefore it would have been obvious, at the time of the invention, to one ordinarily skilled in the art to modify Volcani's replace feature to include delete, insert after, insert before, providing the benefit of allowing the user to place/delete a word in a user desired location.

12. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Volcani, as applied to claim 40 above, in view of Pickover et al.(US 2003/0130898).

Volcani and Pickover are analogous art in that they involve web services.

As per claim 42, Volcani teaches the web service of claim 40, but lacks wherein possible priorities include must, recommended and optional. However, Pickover teaches having possible priorities including must, recommended and optional (p.5.para.65). Therefore it would have been obvious, at the time of the invention, to one ordinarily skilled in the art to modify Volcani's action with the priority of an web service action, providing the benefit of a desirability attribute associated with an action.

13. Claim 48-52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Volcani, as applied to claim 46 above, in view of Kinder (US 2003/0212541).

As per claims 48-52, Volcani lacks explicitly teaching, modification of text associated with the keyword includes deletion of an adverb preceding the key word, deletion of an adjective preceding the key word, deletion of a preposition preceding the key word, deletion of a verb preceding the key

word. However, Kinder teaches these lacking limitations (Fig. 14-Fig 17, Fig. 23). Therefore it would have been obvious, at the time of the invention, to one ordinarily skilled in the art to modify Volcani's enhancement of text with modification of text associated with the key word, providing the benefit of enhancing readability.

14. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Volcani, as applied to claim 46 above, in view of Anderson(US 5,678,053).

As per claim 53, Volcani teaches the web service of claim 46, but lacks wherein possible suggestions include insertion of a connecting verb before the idiom. However, Anderson teaches wherein possible suggestions include insertion... (Fig. 5). Therefore it would have been obvious, at the time of the invention, to one ordinarily skilled in the art to modify Volcani's enhanced sentence with suggesting adding of a connecting verb, providing the benefit of a grammatically correct output.


Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose

telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571/272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER

lms
5/30/07